



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, JANUARY 20, 2004

No. 1

## House of Representatives

The House met at noon.

The SPEAKER. This being the day fixed by Public Law 108-181, 108th Congress, enacted pursuant to the 20th amendment to the Constitution for the meeting of the second session of the 108th Congress, the House will be in order.

The prayer will be offered by the Chaplain.

The Chaplain, Reverend Daniel P. Coughlin, offered the following prayer: Almighty God, I present to You today the rightful stewards of a sacred trust given them by the people, those duly elected to serve as their representatives in the 108th Congress of the United States of America.

Lord, be present to them now and every day of the second session of this assembly, the largest and most integral part of Federal Government. Make of them leaders fashioned in Your own image who will guide the rich diversity of this Nation into an evermore perfect Union.

In the face of the awesome responsibilities they are to shoulder in protecting the Constitution and defending the security of this Nation, knowing the troublesome times in which we live, grant them humility in Your service and freedom from fear or hesitation.

By Your holy wisdom and as masters in the art of politics, may they enact laws that will foster the rights and guide the creativity of the greatest and the least in this Nation.

Today, I ask every American to join with me in praying daily for the Members of this House that they may "establish Justice, ensure lasting Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty" for all Americans and become again a beacon of hope to other nations. This we pray now and forever.

Amen.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. FLETCHER), as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

### CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Ackerman  
Akin  
Alexander  
Allen  
Baca  
Bachus  
Baird  
Baker  
Ballance  
Ballenger  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Becerra  
Bell  
Bereuter  
Berkley  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brown (OH)  
Brown (SC)

Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Buyer  
Calvert  
Cannon  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (OK)  
Carter  
Case  
Castle  
Chabot  
Chocola  
Clay  
Clyburn  
Coble  
Cole  
Collins  
Conyers  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (IL)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
DeLauro  
DeLay  
DeMint

Deutsch  
Diaz-Balart, M.  
Dicks  
Dingell  
Dooley (CA)  
Dreier  
Duncan  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Foley  
Forbes  
Ford  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Frost  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goodlatte  
Gordon  
Goss  
Graves  
Green (WI)  
Greenwood

Grijalva  
Hall  
Harman  
Harris  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hensarling  
Herger  
Hill  
Hinojosa  
Hobson  
Hoefel  
Hoekstra  
Holden  
Honda  
Hooley (OR)  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kingston  
Kirk  
Kleczka  
Kline  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)

Lewis (KY)  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Majette  
Manzullo  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meek (FL)  
Menendez  
Michaud  
Millender  
Issa  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Mollohan  
Moran (KS)  
Moran (VA)  
Murphy  
Musgrave  
Myrick  
Napolitano  
Neal (MA)  
Nethercutt  
Neugebauer  
Ney  
Norwood  
Nunes  
Obey  
Ortiz  
Osborne  
Ose  
Owens  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Petri  
Pickering  
Pitts  
Platts  
Porter  
Portman

Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schrock  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Shadegg  
Shays  
Sherwood  
Neal (MA)  
Shimkus  
Simmons  
Simpson  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

|             |             |             |
|-------------|-------------|-------------|
| Thornberry  | Van Hollen  | Whitfield   |
| Tiahrt      | Velázquez   | Wicker      |
| Tiberi      | Visclosky   | Wilson (NM) |
| Tierney     | Vitter      | Wilson (SC) |
| Towns       | Walden (OR) | Wolf        |
| Turner (OH) | Wamp        | Wu          |
| Turner (TX) | Watt        | Wynn        |
| Udall (CO)  | Weiner      | Young (AK)  |
| Udall (NM)  | Weldon (PA) |             |
| Upton       | Weller      |             |

□ 1232

The SPEAKER. On this rollcall, 321 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. BLUNT) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUNT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

H.R. 2264. An act to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1172. An act to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1267. An act to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes.

S. 2000. An act to extend the special postage stamp for breast cancer research for 2 years.

The message also announced that pursuant to Public Law 108-132, the Chair, on behalf of the Democratic Leader, appoints the following individuals to the Commission on Review of Overseas Military Facility Structure of the United States—

Al Cornella, of South Dakota, and James A. Thompson, of California.

The message also announced that pursuant to Public Law 108-79, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, appoints Gustavus

Aldolphus Puryear, IV, of Tennessee to the National Prison Rape Reduction Commission for a term of two years.

The message also announced that pursuant to Public Law 108-79, the Chair, on behalf of the Democratic Leader, after consultation with the Majority Leader, appoints the following individuals to the National Prison Rape Reduction Commission—

James Evan Aiken, of North Carolina, and

Cindy Struckman-Johnson, of South Dakota.

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 14, 2004.

Hon. DENNIS HASTERT,  
Speaker, House of Representatives,  
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a copy of my official resignation letter that was sent to the Governor of South Dakota and the SD Secretary of State.

I will be resigning from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Please let me know if there are any further formalities which I must perform or accomplish to effectuate this resignation.

Thank you for all the courtesies you have extended to me and the people of South Dakota.

Sincerely,

WILLIAM J. JANKLOW.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 14, 2004.

Hon. MIKE ROUNDS,  
Governor of South Dakota,  
Pierre, SD.

Hon. CHRIS NELSON,  
Secretary of State,  
Pierre, SD.

DEAR GOVERNOR ROUNDS AND SECRETARY OF STATE NELSON: I wish to inform you that because of present circumstances, I am and will be unable to perform the duties incumbent upon me in representing the people of South Dakota as their US Representative.

Therefore, I wish to inform you that I will resign from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Representing the people of South Dakota in all the capacities that I have over the years has brought a treasure of memories and friends. This includes the year I have spent in the US House.

I am thankful to the people of South Dakota for the courtesies they have shown me.

Sincerely,

WILLIAM J. JANKLOW.

#### COMMUNICATION FROM HON. ROBERT MENENDEZ, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER laid before the House the following communication from the Honorable ROBERT MENENDEZ, Chairman, Democratic Caucus:

DEMOCRATIC CAUCUS,  
HOUSE OF REPRESENTATIVES,  
January 5, 2004.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Ralph Hall of Texas has resigned as a Member of the Democratic Caucus effective immediately.

Sincerely,

ROBERT MENENDEZ,  
Chairman.

#### COMMUNICATION FROM THE SPEAKER

The SPEAKER laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 20, 2004.

Hon. SHERWOOD BOEHLERT,  
Chairman, Committee on Science, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Science has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,  
Speaker of the House.

#### COMMUNICATION FROM THE SPEAKER

The SPEAKER laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 20, 2004.

Hon. W.J. (BILLY) TAUZIN,  
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Energy and Commerce has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,  
Speaker of the House.

#### COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 486) providing for a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 486

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.